

EXHIBIT QQ

VOLUME: 2 EXHIBITS: See Index PAGES: 1-257

COMMONWEALTH OF MASSACHUSETTS

FOR THE DISTRICT OF MASSACHUSETTS

SONYA LARSON,

Plaintiff

vs.

No. 1:19-CV-10203-IT

DAWN DORLAND PERRY, ET AL,

Defendants

ZOOM DEPOSITION of DAWN DORLAND PERRY

APPEARING REMOTELY

wednesday, September 22, 2021 - 11:30 a.m.

Reporter: Jill Kourafas, RPR, MA CSR#149308

Appearing remotely from Norfolk County

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1 A. Outrageous how?

2 Q. An outrageous amount of money to read an
3 issue of American Short Fiction that contained
4 The Kindest.

5 MS. ELOVECKY: Objection.

6 A. I don't understand the question at all.

7 What's outrageous about the price of a
8 literary magazine? I think writers should be
9 compensated, and I find \$12 a perfectly suitable
10 price.

11 I don't have any expertise in the market
12 for literally fiction or what goes into setting
13 those prices.

14 Q. And your testimony is that when
15 Ms. Larson's story -- actually, I don't know what
16 your testimony was, so you tell me.

17 When you learned that Ms. Larson's story,
18 The Kindest, was published by American Short
19 Fiction, were there any pages from the story that
20 were included on the American Short Fiction
21 website?

22 MS. ELOVECKY: Objection.

23 You can answer to the extent that you're
24 able.

1 A. Yes, as I recall.

2 Q. And you recall that the first page of the
3 story was available for free on the America Short
4 Fiction website, is that correct?

5 MS. ELOVECKY: Objection.

6 A. No, that is not correct.

7 Q. Correct me, please.

8 A. Well, when you are on -- when you are on
9 an online interface in that format, page numbers
10 are not delineated clearly.

11 When I said "one page," as I said at that
12 time in that sentence, I said I was looking at
13 screenshots or iPhone photos people had taken of
14 the physical book of the first page of the story.

15 That's different from finding it online,
16 Attorney Epstein.

17 Q. I'm really confused now.

18 So did American Short Fiction publish any
19 portion of The Kindest that you're able to see on
20 the American Short Fiction website in August of
21 2017?

22 MS. ELOVECKY: Objection.

23 You can answer to the extent that you're
24 able.

1 A. Yes.

2 Q. To the extent that you are able, what did
3 American Short Fiction publish in August of 2017?

4 A. I cannot recall clearly, but I seem to
5 remember that the pay wall would have been just
6 before my letter as it occurs in the story. It
7 was certainly before my letter because I never
8 saw the letter. But when one goes to an online
9 interface, typically there's some front matter of
10 the story, the introductory paragraph, or maybe
11 not even introductory if a story starts right in.
12 There are several paragraphs available.

13 I am unable to delineate the page numbers
14 for you, Attorney Epstein, in an online context.
15 But I read what was there. And when I later in
16 2018, by accident, did encounter my letter in the
17 full text of the story, I seem to remember that
18 the pay wall online in 2017 was just before my
19 letter, but that's just an impression I had, and
20 I cannot say that with any certainty. I've no
21 way of recalling exactly what I read online.

22 I do recall seeing the first physical
23 page of the story taken by iPhone and posted by
24 Sonya, and maybe a friend or two, with whom I'm

1 also friends on Facebook. I remember seeing that
2 physical page photographed and circulated.

3 So when I refer to a page that I'm sure
4 that I read, I know it's that first page in the
5 physical book, but I cannot tell you with any
6 certainty what was published online with ASF.
7 They could certainly tell you that. They could
8 help you with that question, Attorney Epstein.

9 Q. So when is the first time that you read
10 any version of The Kindest in its entirety?

11 A. In 2018.

12 Q. Do you remember the date offhand?

13 A. No.

14 Q. If I can draw your attention to Exhibit 9
15 in the documents that I sent to you.

16 A. Sure. One moment. Let me just pull it
17 up.

18 Okay, I'm there.

19 Q. And if you could go to the document
20 numbered Dorland 00401.

21 A. Okay, I'm there.

22 Q. The fourth paragraph said, "I did read
23 the story over the weekend when I came across
24 it."

1 Do you see that?

2 A. I do see that.

3 Q. And the date of that -- that document,
4 which starts on Dorland 00400, is an email from
5 you dated Sunday, June 3, 2018 to Samantha Shea.

6 If you are correct and that email chain
7 is correct that June 3 was a Sunday and you read
8 it that weekend, would that help to refresh your
9 memory as to when you first read any version of
10 The Kindest in its entirety either June 2 or
11 June 3, 2018?

12 A. Yes.

13 I remember now that it was the day after
14 my birthday.

15 Q. When is your birthday?

16 A. June 1. Made for a shitty birthday.

17 Q. The version of The Kindest that you read
18 on June 2 or June 1 or June 2?

19 A. It was not June 1, Attorney Epstein, it
20 was the day after my birthday.

21 Q. So the version of The Kindest that you
22 read on June 2, 2018 was the American Short
23 Fiction print edition, was it not?

24 A. I read it online, Attorney Epstein.

1 Q. Was it the American Short Fiction
2 version?

3 A. I read it online at American Short
4 Fiction. I'm just unsure that they would call it
5 the print version if it's online. I'm not sure
6 about that.

7 Q. Certainly the American Short Fiction
8 version?

9 MS. ELOVECKY: Objection.

10 A. Online.

11 Q. Yes, I understand.

12 Have you more -- strike that question.

13 Have you read more than one version of
14 The Kindest?

15 A. At this point, yes.

16 Q. How many versions have you read?

17 A. I don't remember.

18 Q. Did you listen to the audible.com
19 version?

20 MS. ELOVECKY: Objection.

21 You can answer.

22 A. No. I don't think I've ever listened to
23 that in its entirety.

24 Q. Have you listened to any part of it?

1 A. Yes.

2 Q. And then in the third paragraph of that
3 letter that starts: "would administrators," you
4 identify the short story as being The Kindest.

5 Do you see that?

6 A. Yes.

7 Q. You say "It has come to my attention,"
8 what information regarding the Bread Loaf Writers
9 Conference came to your attention when you wrote
10 that email on June 7, 2018?

11 MS. ELOVECKY: Objection.

12 You can answer, if you're able.

13 A. Yes. As I recall, Sonya had published in
14 her own bio on her website that in the time
15 period when she had submitted The Kindest to
16 other publications or -- I'm not sure what the
17 range of application was that she was attaching
18 the story, that in that time period, Sonya
19 advertised on her website that she had received a
20 fellowship, and that was the basis of my inquiry
21 and that's what came to my attention with Sonya's
22 unpublication of this fellowship in this
23 particular time period that would've affected
24 possibly my writing being distributed and her

1 benefiting from my writing in this way by
2 receiving a fellowship.

3 Q. I'm sorry. I didn't mean to interrupt
4 you, but is it your testimony that it's because
5 it's within the same time period that Ms. Larson
6 got a tuition fellowship to Bread Loaf Writers
7 Conference that you assumed that The Kindest was
8 part of her application?

9 MS. ELOVECKY: Objection. That misstates
10 her testimony.

11 A. No.

12 MS. ELOVECKY: You can answer.

13 A. No, that misstates what I said, and, no,
14 the answer to that question as stated is "no."
15 That's not correct.

16 Q. Correct me then, please.

17 A. I explained --

18 Q. You have an open opportunity. Go ahead,
19 take it.

20 A. well, it feels asked and answered because
21 I just explained why I identified this time
22 period. My interests were in protecting my work,
23 and so according to the time period when I
24 believe it's held out that my writing was

1 submitted as part of The Kindest to other
2 publishers and other literary stakeholders that
3 according to that time period, I, in a very
4 narrow particular way identified Bread Loaf as a
5 place where my writing may have been submitted.
6 And that is the question I raised.

7 And I thought if Sonya had received a
8 fellowship with writing with a story that
9 contained my writing that I deserved to know
10 about it as the owner of that writing.

11 Q. But you have no concrete, written or oral
12 evidence that Ms. Larson submitted The Kindest as
13 part of her 2017 tuition fellowship application
14 to Bread Loaf, did you?

15 MS. ELQVECKY: Objection.

16 You can answer.

17 A. In my letter, I make it clear that I'm
18 raising the question, and I've just explained why
19 I raised the question, what evidence I was basing
20 my question on.

21 I was protecting my interests, which I
22 believed had potentially been compromised by this
23 other author. And I had every right to pursue
24 and, indeed, my efforts paid dividends by my

1 uncovering what Sonya attempted to obscure from
2 all of us.

3 Q. Well --

4 A. And she had originally copied my letter
5 and published it and then tried to cover it up.

6 Q. Do you have any evidence that Ms. Larson
7 submitted The Kindest to the Bread Loaf Writers
8 Conference in order to get a tuition fellowship
9 at Bread Loaf?

10 MS. ELOVECKY: Objection. That
11 questioned has been asked and answered twice.

12 A. And my letter does not state equivocally
13 that I know this. My letter is very clear with
14 the motivations that I have articulated to them
15 -- them to you in my testimony, Attorney Epstein,
16 that I'm raising the question, and I've given you
17 the extra information now of what evidence I had,
18 that my evidence was narrowly spoke to this frame
19 in time and where my writing, what might have
20 ended up with Sonya's name on it and how she
21 might have profited. That was the intent of my
22 inquiry, and an inquiry it was, because I was
23 raising a question.

24 I never stated to the contrary, and you

1 Q. Just the best of your knowledge and
2 present memory. We're not asking for anything
3 more than that.

4 After you consulted with Samantha Shea,
5 you then wrote a letter to American Short
6 Fiction, is that correct?

7 A. It's an email, and I could confirm if we
8 look at the dates together. You have all the
9 documents, Attorney Epstein.

10 Q. Can you remember any other person or
11 organization that you went to or consulted
12 between the time when you emailed Samantha Shea
13 and when you emailed American Short Fiction?

14 A. No.

15 Q. So sometime around the time that you were
16 emailing with American Short Fiction, did you
17 also contact the Bread Loaf Writers Conference?

18 A. Yes, that timing appears the way you put
19 it based on the documents we just looked at.

20 Q. Okay. Did you next contact the -- strike
21 that.

22 At some point around there, you read a
23 post, is it, that Sonya Larson put on Facebook
24 where she claims that she won the Boston Book

1 Festival contest?

2 MS. ELOVECKY: Objection.

3 You can answer.

4 A. No.

5 Q. Is there some other organization in
6 between that you contacted?

7 A. Attorney Epstein, your last question was
8 about a Facebook post, so I'm not responding
9 about contacts. Please don't take what I'm
10 saying out of context.

11 Q. Let me try it again. When did you
12 contact the Vermont Studio Center?

13 A. I don't remember.

14 Q. Was it before you contacted Bread Loaf or
15 after?

16 A. I don't remember.

17 Q. Was it before you contacted the Boston
18 Book Festival or after?

19 A. After.

20 Q. How did you learn that Sonya Larson won
21 the One City One Story contest?

22 A. Sonya published that information in her
23 bio on her website, and that's where I read it.
24 And I told the BBF when they asked me on the

1 phone how did I know, because it had not been
2 announced, I informed Raquel Hitt, with whom I
3 spoke, that I read it on Sonya's own bio and she
4 said, "Oh."

5 Q. Why were you reading Sonya Larson's bio
6 on her website?

7 MS. ELOVECKY: Objection.

8 You can answer.

9 A. As I explained before, when I discovered
10 that my rights of my own work were possibly being
11 infringed, I went to see where else Sonya may
12 have published my writing under her name.

13 Q. You went to Sonya's website out of
14 curiosity, is that what you're basically saying?

15 MS. ELOVECKY: Objection. She said what
16 she said.

17 A. No, I do not agree with that
18 characterization of what I said. I went to her
19 website in pursuit of my rights.

20 Q. At what point did you contact the
21 Association of Literary Scholars, Critics and
22 Writers?

23 A. I don't remember.

24 Q. Was it before you contacted the Boston

1 Book Festival or after?

2 A. After.

3 Q. When you noticed that Sonya had posted on
4 her website that she won the One City One Story
5 contest, what did you do?

6 MS. ELOVECKY: Objection.

7 You can answer, if you're able.

8 A. In the same manner that Samantha Shea had
9 said it would be appropriate to contact the
10 publishers of The Kindest where I had found it
11 online, published by American Short Fiction. In
12 that same spirit, I immediately reached out to
13 the Boston Book Festival simply wanting to know
14 whether the story for which Sonya had won the
15 honor was The Kindest because Sonya has published
16 many stories and I did not jump to any
17 conclusions. I thought certainly it could be a
18 different story of Sonya's because in Sonya's bio
19 that she published, she only said she had been
20 selected to be the author. She did not list the
21 story that had been chosen. And I've given this
22 document, as I found her website in the wild,
23 online, I had given that to my attorney. I
24 believe you've seen it.

1 I, then, without jumping to conclusions
2 in pursuit of protecting my rights to my own
3 work, I reached out immediately to the publishers
4 of, eventually, the story for One City One Story
5 and I asked Raquel Hitt, director of operations,
6 could she confirm that the story in question was
7 The Kindest, and if not, to forget I called.

8 She could neither -- she would not
9 confirm or deny the story was The Kindest, but
10 the manner of her response made me quite
11 concerned that the story -- that the BBF was
12 about to reproduce 30,000 times was, in deed, The
13 Kindest. I became concerned and I reached out to
14 them immediately to give them every advantage of
15 time to prevent infringing my work at such a big
16 scale because I knew that would be devastating
17 for me, for them and for Sonya.

18 Q. When you found out that the BBF, indeed,
19 was going to use Sonya's story, The Kindest, what
20 did you do?

21 MS. ELOVECKY: Objection.

22 You can answer, if you're able.

23 A. My correspondence is on the record from
24 this point out.

CERTIFICATE

Commonwealth of Massachusetts

Norfolk, ss.

I, Jill M. Kourafas, a Notary Public in
and for the Commonwealth of Massachusetts, do
hereby certify:

That DAWN DORLAND PERRY, the witness
whose deposition is hereinbefore set forth, was
duly sworn by me and that such deposition is a
true record of the testimony given by the said
witness.

IN WITNESS WHEREOF, I have hereunto set
my hand this 5th day of October, 2021.

Jill Kourafas, CSR, RPR

Jill Kourafas, Notary Public
Registered Professional Reporter
Certified Shorthand Reporter
License #149308

My Commission expires:
June 11, 2027

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